

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI`I

COUNTY OF KAUAI,) CIV NO. CV05-00052 KSC
Plaintiff,) (Other Civil Action)
vs.)
) [CONSOLIDATED CASES]
)
) DECLARATION OF MEI-FEI KUO
MANDALAY PROPERTIES HAWAI`I LLC,)
a Hawai`i limited liability)
company; JOHN DOES 1-100; JANE)
DOES 1-100; DOE PARTNERSHIPS,)
CORPORATIONS AND/OR OTHER)
ENTITIES 1-100; DOE GOVERNMENTAL)
AGENCIES 1-100,)
)
Defendants.)
)
)
)
MANDALAY PROPERTIES HAWAII LLC,) CIVIL NO. 03-00711 BMK-DAE
Plaintiff,)
vs.)
)
ISLAND ACCESS COALITION, WILLIAM)
YOUNG, individually, and DOE)
DEFENDANTS 1-100,)
)
Defendants.)
)

DECLARATION OF MEI-FEI KUO

I, MEI-FEI KUO, declare as follows:

1. I am an attorney with the law firm of Alston Hunt Floyd & Ing, one of the counsel for Defendant Mandalay Properties Hawai`i LLC ("Mandalay") herein.
2. I make this declaration based on my personal knowledge and I am competent to testify to the matters set forth herein.

3. I make this declaration in support of the Mandalay's Reply to Plaintiff County of Kauai's Memorandum in Opposition to Defendant Mandalay Properties Hawai'i LLC's Renewed and Supplemented Motion for Summary Judgment, filed November 30, 2006, filed January 2, 2007.

4. Attached hereto as Exhibit "45" is a true and correct copy of excerpts from "The Civil Code of the Hawaiian Islands" (1859).

5. Attached hereto as Exhibit "46" is a true and correct copy of the Laws of His Majesty Kalakaua, Chapter XXXV, "An Act to Authorize the Issuance of Royal Patents for School Lands and School Sites Sold by the Board of Education" (1880).

6. Attached hereto as Exhibit "47" is a certified copy of a Deed from R. Armstrong, President of the Board of Education, to Pierce Hogarty, dated May 28, 1856, and recorded in the Bureau of Conveyances of the State of Hawai'i ("Bureau") in Liber 7, Page 509.

7. Attached hereto as Exhibit "48" is a certified copy of a Deed from R. Armstrong, President of the Board of Education to William Webster, dated January 7, 1859, and recorded in the Bureau in Liber 11, Page 218.

8. Attached hereto as Exhibit "49" is a certified copy of a Deed from K. Kaahumanu and M. Kekuanaoa, as President of the Board of Education to D. Burns, dated October 23, 1860, and recorded in the Bureau in Liber 13, Page 258.

9. Attached hereto as Exhibit "50" is a certified copy of an Exchange Deed between M. Kekuanaoa and Kapoli and M. Kekuanaoa as President of the Board of Education, dated May 1, 1861, recorded in the Bureau in Liber 15, Page 10.

10. Attached hereto as Exhibit "51" is a true and correct copy of "The Laws of His Majesty Kalakaua V", Sections 32 thru 38 (1864-65).

11. Attached hereto as Exhibit "52" is a true and correct copy of a letter dated August 30, 2004 from Attorney General Mark J. Bennett to Mayor Bryan J. Baptiste, including a draft letter regarding "Papa`a Bay Beach Access". This exhibit was previously attached as Exhibit "23" to Mandalay's initial Motion for Summary Judgment, filed on November 28, 2005, and is being attached hereto for the court's convenience.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai`i, January 9, 2007.

/s/ Mei-Fei Kuo
MEI-FEI KUO